

SEDGWICK, DETERT, MORAN & ARNOLD LLP
BRUCE D. CELEBREZZE Bar No. 102181
bruce.celebrezze@sdma.com
MICHELLE Y. MCISAAC BAR NO. 215294
michelle.mcisaac@sdma.com
One Market Plaza
Steuart Tower, 8th Floor
San Francisco, California 94105
Telephone: (415) 781-7900
Facsimile: (415) 781-2635

Attorneys for Defendants
HARTFORD LIFE INSURANCE COMPANY
and **HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VICKI CAPRIO and DUANE A.
BARBAROTTO as decedent Nicholas J.
Barbarotto's Successor in Interest,

Plaintiff,

V.

HARTFORD LIFE INSURANCE COMPANY, a corporation doing business as THE HARTFORD and HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, and DOES 1 through 20, inclusive.

Defendants.

CASE NO. C 08-0338 CW

**NOTICE OF MOTION AND MOTION OF
DEFENDANTS HARTFORD LIFE
INSURANCE COMPANY AND
HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY TO DISMISS
PLAINTIFF'S COMPLAINT**

JUDGE: Hon. Claudia Wilken
CTRM: 2, 4th Floor
DATE: March 6, 2008
TIME: 2:00 p.m.

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that on March 6, 2008, at 2:00 p.m., or as soon thereafter as
23 the matter may be heard, in Courtroom 2, located on the 4th floor of the above-entitled court
24 located at 1301 Clay Street, Oakland, California, the motion of defendants Hartford Life and
25 Accident Insurance Company and Hartford Life and Accident Insurance Company (jointly
26 "Hartford") to dismiss plaintiffs' complaint, will come on for hearing before the Honorable
27 Claudia Wilken.

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2 The action filed by plaintiffs Vicki Caprio and Duane A. Barbarotto as successors in
3 interest to decedent Nicholas J. Barbarotto is barred on grounds of *res judicata* and therefore,
4 defendants' motion should be granted.

5 This motion is based on this Notice, the Memorandum of Points and Authorities and
6 Request for Judicial Notice filed concurrently herewith, the documents on file with the court
7 herein, and oral arguments presented at the time of the hearing on this matter.

8 DATED: January 25, 2008

SEDGWICK, DETERT, MORAN & ARNOLD LLP

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10 By: s/Michelle Y. McIsaac
11 BRUCE D. CELEBREZZE
12 MICHELLE Y. MCISAAC
13 Attorneys for Defendants
14 HARTFORD LIFE INSURANCE COMPANY
15 and HARTFORD LIFE AND ACCIDENT
16 INSURANCE COMPANY